

JUNE 8, 2005

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 7

ALL MEMBERS PRESENT EXCEPT LEGISLATORS DUSZA AND CHASE. CHAIRMAN HOLT
PRESENT AS EX-OFFICIO MEMBER.

- 1. RESOLVED, that the following items are hereby received and filed.
 - a. COMM. 10M-5 (2005)
NYPA: Letter to Chairman Holt Re: Comm. 8E-56, Erie County Niagara Project Relicensing Settlement Offer from NYPA
(4-0)
 - b. COMM. 13E-8 (2005)
COUNTY EXECUTIVE: Fees Paid to Fluent Energy For 2004
(4-0)
 - c. COMM. 13E-11 (2005)
COUNTY EXECUTIVE: ECSD No. 6 - Emergency Repair - Inner Drive/Kennedy Road Sanitary Sewer
(4-0)
 - d. COMM. 13E-19 (2005)
COUNTY EXECUTIVE: ECSSTA - Energy Performance Contract - Change Order No. 2
(4-0)
 - e. COMM. 13E-20 (2005)
COUNTY EXECUTIVE: ECSSTA - Energy Performance Contract - Change Order No. 1
(4-0)
 - f. COMM. 13D-1 (2005)
DEP: SEQR - Negative Declaration - Utica & Quebec Streets, West Taft Avenue, & Point Breeze Drive, Town of Evans
(4-0)
 - g. COMM. 14D-4 (2005)
DEP: SEQR - Solicitation For Lead Agency Status - Extension of ECSD's To Be Known As The ECSD No. 8
(4-0)

- 2. COMM. 12E-39 (2005)
COUNTY EXECUTIVE
WHEREAS, in an earlier resolution, dated the fourth day of February 1999 A.D., being Communication No. 2D-11, the Erie County Legislature authorized the County Executive to enter into a contract with LepCorp (now called Fluent Energy) to provide electric procurement and management services, and

WHEREAS, in an earlier resolution, dated the twenty-first day of October 1999 A.D., the fifth day of July 2001 A.D., the Erie County Legislature authorized entering into change orders with LepCorp (now called Fluent Energy) to provide natural gas procurement management services, Hourly Price Management related to electricity and management services and heating fuel oil procurement and management services, and

WHEREAS, in a resolution dated the seventh day of March 2002, being Communication No. 3E-27(A), the Erie County Legislature authorized entering into a contract with LepCorp (now called Fluent Energy) to provide electric and natural gas procurement management services, Hourly Price Management related to electricity procurement and management services and heating fuel oil procurement and management services, and

WHEREAS, through a Request for Qualifications process implemented by the Department of Public Works, qualifications were received from prospective firms to provide Erie County Utility Technical Services, and

WHEREAS, after thorough review of the qualification statements submitted, the Commissioner of Public Works has deemed Fluent Energy as the best firm to supply Erie County with the utility services it requires.

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature authorizes the County Executive to enter into a contract with Fluent Energy to provide Utility Technical Services, and be it further,

RESOLVED, that the new contract will include all those services presently being executed by Fluent Energy through the existing agreement and its change orders, and be it further,
RESOLVED, that the new rates charged will be reduced by approximately 13% in comparison to the rates charged in the current contract for the initial two-year contract and for the reduced 5% over the next two-year period for that, and be it further,

RESOLVED, that the new contract will include the service of electronically retrieving and processing utility invoices, and be it further,

RESOLVED, that the rate to be charged for this service will be \$3.75 per bill which will be offset 100% by errors found in those bills, and be it further,

RESOLVED, that the funds for this work will be taken from the Utility Fund and charged back to each entity, included the participating towns, villages and other municipal entities, thus keeping the Utility Fund neutral, and be it further,

RESOLVED, that two certified copies of this resolution be forwarded to the Department of Public Works, Office of the Commissioner; and one copy each to the Office of the County Executive, Division of Budget, Management & Finance, and the Office of the Comptroller.
(4-0)

3. COMM. 13E-9 (2005)

COUNTY EXECUTIVE

WHEREAS, the 166th Erie County Fair (Fair) is being held from August 10 – 21, 2005; and

WHEREAS, the Fair is an important rite of late summer passage in the Niagara Region; and

WHEREAS, Erie County and the Department of Environment and Planning (DEP) have traditionally played a part and wish to continue to have a presence at the Fair; and

WHEREAS, the protection of agricultural lands is an important factor in controlling sprawl in Erie County; and

WHEREAS, DEP has created a display illustrating in an informative and entertaining visual manner, the measures Erie County and its municipalities have taken to preserve agricultural land in the County.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is authorized to enter into a contract with the Erie County Agricultural Society to obtain exhibit space in the Grange Building for the DEP agricultural land preservation exhibit to be displayed for the length of the Fair; and be it further

RESOLVED that the clerk of the Legislature be directed to send certified copies of this resolution to the County Executive; the Commissioner of the Department of Environment and Planning; the Comptroller; the Director of the Division of Budget, Management and Finance; and the County Attorney.
(4-0)

4. COMM. 13E-10

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning has the responsibility for carrying out the federal Community Development Block Grant, HOME Investment Partnership, and Emergency Shelter Grant Programs; and

WHEREAS, said Programs require financial oversight, vendor payment processing, coordination of federal and County accounting systems; and

WHEREAS, said Programs have an annual budget of over \$7.0 million; and

WHEREAS, a reduction in federal funding levels are anticipated in 2005-06 requiring implementation of cost saving measures that would lessen the grant's administrative budget; and

WHEREAS, the execution of a personal services contract with the former Chief Account Clerk within the Community Development Block Grant budget provides an opportunity to realize a cost savings of \$28,000 in the grant program.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a Personal Services Contract with Nancy Gorrell, residing at 3280 Stony Point Road, Grand Island, New York 14072 for the purpose of undertaking accounting services within the federally funded Community Development Block Grant Program; and be it further

RESOLVED, that the agreement shall include an authorized contract amount not to exceed \$24,000; and be it further

RESOLVED, that the requirement for requests for proposals in Section 19.08 of the Erie County Administrative Code are hereby waived since the engagement is a continuation of work activities undertaken through the original County service of Nancy Gorrell as a Chief Account Clerk; and be it further

RESOLVED, that the source of funds shall be money available within the Erie County Community Development Block Grant, in Cost Center 1621120, GL Account 516020; and be it further

RESOLVED, that the Clerk of the Legislature be directed to forward certified copies of this resolution to the County Executive; the County Comptroller; the Commissioner of the Department of Environment and Planning; the Commissioner of Personnel, and the Director of the Division of Budget, Management, and Finance.

(4-0)

5. COMM. 13E-12
COUNTY EXECUTIVE

WHEREAS, the Division of Sewerage Management has requested a resolution to authorize the deletion of the position of Jr. Administrative Assistant-RPT, JG 8, and the addition of one Sewerage Facilities Mechanic, JG 7, in the Erie County Sewer District No. 2 2005 Budget; and

WHEREAS, the District requires additional maintenance staff to assist in the increased workload involved with the day to day maintenance of equipment at the Treatment Plant; and

WHEREAS, these position adjustments are reflected on B-100 Position Authorization Form 881 in the SAP system.

NOW, THEREFORE, BE IT

RESOLVED, the deletion of the position of Jr. Administrative Assistant-RPT, JG 8 and the addition of one Sewerage Facilities Mechanic, JG 7 is hereby authorized and approved in the Erie County Sewer District No. 2's 2005 Budget effective September 1, 2005; and be it further

RESOLVED, that any adjustments required for the funding of the position be taken out of the 2005 Budget, Erie County Sewer District No. 2, Unexpended Salaries; and be it further

RESOLVED, that certified copies of the approved Resolution shall be sent to Joel A. Giambra, County Executive; Charles J. Alessi, P.E., Deputy Commissioner, Department of Environment and Planning, the Erie County Personnel Department and the Erie County Budget Office.
(4-0)

6. COMM. 13E-21
COUNTY EXECUTIVE

WHEREAS, the Legislature awarded a contract to TVGA Engineering, Surveying, P.C. for various engineering services related to the design and construction of Sewerage Facilities within Erie County Sewer Districts on November 2, 1995, COMM. 20E-13; and

WHEREAS, the Erie County Division of Sewerage Management had advised the Legislature that all engineering services are now completed; and

WHEREAS, the Erie County Division of Sewerage Management has recommended the formal close-out of the Engineering Agreement with TVGA Engineering, Surveying, P.C. dated November 2, 1995 in the amount of \$138,184.63.

WHEREAS, the Erie County Division of Sewerage Management has since discovered the correct close-out amount should be \$141,128.25; and

WHEREAS, the Erie County Division of Sewerage Management is now recommending the formal close-out of the engineering agreement with URS Corporation dated November 2, 1995 in the amount of \$141,128.25.

NOW, THEREFORE, BE IT

RESOLVED, that the Engineering Agreement dated November 2, 1995 between the Erie County Sewer Districts and the Southtowns Sewage Treatment Agency and TVGA Engineering, Surveying, P.C. be formally closed-out in the final amount of \$141,128.25; and be it further,

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to release all retention and cancel any remaining encumbrances relating to the Engineering Agreement dated November 2, 1995, between Erie County and TVGA Engineering, Surveying, P.C.; and be it further,

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy to Joel A. Giambra, County Executive and two (2) certified copies of this Resolution to Charles J. Alessi, P.E., Department of Environment and Planning; and one copy each to Joseph Passafiume, Director of Budget and Management; Nancy Naples, Erie County Comptroller's Office; and Gregory Dudek, Assistant County Attorney.
(4-0)

7. COMM. 14E-24 (2005)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature created an extension to Erie County Sewer District No. 3 to include the Village of Hamburg service area; and

WHEREAS, the residents of the Village of Hamburg will receive all sanitary sewer services directly from the County of Erie through Erie County Sewer District No. 3, effective June 1, 2005; and

WHEREAS, the sanitary sewer assets of the Village of Hamburg will be transferred to the County effective January 1, 2006; and

WHEREAS, the Erie County/Southtowns Sewage Treatment Agency currently includes the Village of Hamburg in addition to the Town of Hamburg, Wanakah Sewer District, Mt. Vernon Sewer District, and Erie County Sewer District NO. 3; and

WHEREAS, the need for the Village of Hamburg to remain a member of the Erie County/ Southtowns Sewage Treatment Agency no longer exists as a consequence of the extension of Erie County Sewer District No. 3 to include the Village of Hamburg; and

WHEREAS, the Village of Hamburg and Erie County Sewer District No. 3 agreed by contract agreement to work to remove the Village of Hamburg from the Erie County/Southtowns Sewage Treatment Agency upon formation of the Erie County Sewer District No. 3 extension; and

WHEREAS, members of the Erie County/Southtowns Sewage Treatment Agency may be removed by modifying the Agreement that was created to form the Erie County/Southtowns Sewage Treatment Agency.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive be, and hereby is, authorized to execute an amended Erie County/Southtowns Sewage Treatment Agency Agreement to effectively remove the Village of Hamburg as a member; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Charles J. Alessi, P.E., Deputy Commissioner of the Department of Environment and Planning; and one copy each to Joel A. Giambra, County Executive; Nancy Naples, Erie County Comptroller; Gregory Dudek, Assistant County Attorney; and Curt S. Herrmann, Mayor, Village of Hamburg.

(4-0)

8. COMM. 14E-27 (2005)

COUNTY EXECUTIVE

AS AMENDED

WHEREAS, the Legislature awarded a contract to URS Corporation to provide engineering services related to the design and construction of Sewerage Facilities within Erie County Sewer District No. 2 on October 8, 1998, (COMM. 18E-9); and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all engineering services are now completed; and

WHEREAS, the Erie County Division of Sewerage Management has recommended the formal close-out of the Engineering Agreement with URS Corporation dated October 8, 1998 in the amount of \$238,179.30, the release of all retention and cancellation of any remaining balances.

NOW, THEREFORE, BE IT

RESOLVED, that the Engineering Agreement dated October 8, 1998 between Erie County Sewer District No.2 and URS Corporation be formally closed-out in the final amount of \$238,179.30; and be it further,

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to release all retention and cancel any remaining encumbrances from Bond Accounts C. 00028 (430-533) and C. 00002 (430-147) relating to the Engineering Agreement dated October 8, 1998, between Erie County and URS Corporation; and be it further,

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy to Joel A. Giambra, County Executive and two (2) certified copies of this Resolution to Charles J. Alessi, P.E., Department of Environment and Planning; and one copy each to Joseph Passafiume, Director of Budget and Management; Nancy Naples, Erie County Comptroller's Office; and Gregory Dudek, Assistant County Attorney.

(4-0)

LYNN M. MARINELLI
VICE-CHAIRPERSON

CHAIRING THE COMMITTEE MEETING IN THE ABSENCE OF

RAYMOND K. DUSZA
CHAIRMAN